

## **Chapter 12:36:07**

### **SAMPLING PROCEDURES FOR VERIFICATION OF TRANSGENIC SEED USE**

#### **Section**

- 12:36:07:01.           Oversight of sample collection.**
- 12:36:07:02.           Method of collecting samples.**
- 12:36:07:03.           Selection of laboratory and analytical methods.**
- 12:36:07:04.           Retention of samples.**
- 12:36:07:05.           Recovery of costs.**
- 12:36:07:06.           Persons authorized to collect samples.**

**12:36:07:01. Oversight of sample collection.** If requested in writing by a farmer or patent holder of a transgenic seed, an employee of the Secretary of Agriculture shall oversee the collection of samples.

Source:

General Authority: SDCL 38-1-49

Law Implemented: SDCL 38-1-49

**12:36:07:02. Method of collecting samples.** Plant material samples shall be acquired in a manner that is agreed upon by the parties involved. In the event that an agreement cannot be reached, the manner for sample acquisition shall be prescribed by the Secretary of Agriculture. Duplicate samples may be requested by either party prior to the time that the sample is acquired.

Source:

General Authority: SDCL 38-1-49

Law Implemented: SDCL 38-1-49

**12:36:07:03. Selection of laboratory and analytical methods.** The farmer and the patent holder shall mutually agree upon the laboratory and the methods used for the analysis of samples. If the laboratory or methods cannot be agreed upon, the Secretary of Agriculture or his employee shall make the final determination of the laboratory and methods to be utilized.

Source:

General Authority: SDCL 38-1-49

Law Implemented: SDCL 38-1-49

**12:36:07:04. Retention of samples.** Any plant material remaining after analysis is complete shall be retained by the laboratory or the Department of Agriculture in an appropriate manner.

Source:

General Authority: SDCL 38-1-49

Law Implemented: SDCL 38-1-49

**12:36:07:05. Recovery of costs.** The patent holder shall reimburse the Department for costs incurred in the amount of \$25 per hour plus state rates for expenses and related costs.

Source:

General Authority: SDCL 38-1-49

Law Implemented: SDCL 38-1-49

**12:36:07:06. Persons authorized to collect samples.** Samples shall be taken by department personnel. The department may select another entity to collect samples if all parties are in mutual agreement.

Source:

General Authority: SDCL 38-1-49

Law Implemented: SDCL 38-1-49